

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Armand R. Calhoun,

Plaintiff,

v.

U.S. District Judge Benjamin H. Settle,

Defendant.

NO: 3:21-CV-5081-RHW

ORDER DISMISSING ACTION

On March 23, 2021, this Court issued an Order to Show Cause giving Plaintiff Armand R. Calhoun ten (10) days to cure the specified deficiencies in his pro se complaint. ECF No. 5. As specified, the complaint failed to comply with the Local Rules and the Court informed Plaintiff that it could not serve the complaint until the complaint conformed with these rules. *Id.* at 1–2. As of the date of this Order, the Plaintiff has still not complied or responded to the Order to Show Cause.

Under Federal Rule of Civil Procedure 41(b) and Local Rule 41, Plaintiff has failed to prosecute this case and failed to comply with this Court’s order to

1 show cause why it should not be dismissed. Accordingly, this action is hereby
2 **DISMISSED** without prejudice.
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5 **NOTICE TO OBJECT OR APPEAL THIS ORDER OR THE JUDGMENT**

6 Because Plaintiff is self-represented, a.k.a. “pro se,” the Court advises the
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8 Plaintiff that objections to this order will only be considered under certain
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10 circumstances specified by the Federal Rules of Civil Procedure and the Local
11 Rules. *See, e.g.*, Fed. R. Civ. P. 60(b). If Plaintiff seeks to appeal this decision, he
12 must do so within the time specified by Federal Rule of Appellate Procedure 4.

13 When the United States or a United States officer sued in his or her official
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15 capacity is a party to the suit, the notice of appeal must be filed within sixty (60)
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17 days after the entry of judgment or the order being appealed. Fed. R. App. P.
18 4(a)(1)(B). **If Plaintiff objects to this order or seeks to appeal, he must act**
19 **timely or risk forfeiting any applicable rights.**

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IT IS HEREBY ORDERED:

1. This action is **DISMISSED** without prejudice.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order, enter judgment, close the file, and provide a copy to Plaintiff by email at armand_calhoun@yahoo.com and by mail at:

Armand R. Calhoun
511 M. St. NE #107
Auburn, WA 98002

DATED this 15th day of April, 2021.

s/ Robert H. Whaley
Robert H. Whaley
United States District Court Judge*

* Sitting by Designation from the Eastern District of Washington